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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

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7 JP MORGAN CHASE BANK, N.A.,

8 Plaintiff(s),

9 v.

10 SFR INVESTMENTS POOL 1, LLC,

11 Defendant(s).

Case No. 2:16-CV-1677 JCM (GWF)

ORDER

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13 Presently before the court is defendant SFR Investments Pool 1, LLC's ("SFR") motion  
14 for partial summary judgment under the return doctrine. (ECF No. 44). The court finds no  
15 response necessary and further finds the motion properly resolved without oral argument. *See* LR  
16 78-1.

17 In its motion, SFR moves for an order that "post-*Bourne Valley* [*Court Trust v. Wells Fargo*  
18 *Bank, N.A.*, 832 F.3d 1154 (9th Cir. 2016)], under the Return Doctrine, NRS Chapter 116's 'notice  
19 scheme' 'returns' to its 1991 version." (ECF No. 44).<sup>1</sup>

20 In essence, SFR requests that this court issue an advisory opinion, which Article III  
21 prohibits. *See, e.g., Calderon v. Ashmus*, 523 U.S. 740, 745–46 (1998). Specifically, the United  
22 States Supreme Court has held, in relevant part, as follows:

23 [T]he Article III prohibition against advisory opinions reflects the complementary  
24 constitutional considerations expressed by the justiciability doctrine: Federal  
25 judicial power is limited to those disputes which confine federal courts to a rule  
26 consistent with a system of separated powers and which are traditionally thought to  
be capable of resolution through the judicial process.

27  
28 <sup>1</sup> The "return doctrine" provides that an unconstitutional statute is no law and the previous  
constitutional version of the law is revived when it is struck down. *See, e.g., We the People Nev.*  
*ex rel. Angle v. Miller*, 192 P.3d 1166, 1176 (Nev. 2008).


1 *Flast v. Cohen*, 392 U.S. 83, 97 (1968).

2 Therefore, the court will deny SFR's motion for partial summary judgment (ECF No. 44).

3 Accordingly,

4 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that SFR's motion for partial  
5 summary judgment under the return doctrine (ECF No. 44) be, and the same hereby is, DENIED.

6 DATED August 2, 2017.

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8 UNITED STATES DISTRICT JUDGE